

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

TAYLOR PIPELINE CONSTRUCTION, INC.	§	
	§	
VS.	§	NO. 1:04CV599
	§	
DIRECTIONAL ROAD BORING,	§	
DAVID J. O'LEARY, HYPOWER, INC.,	§	
P.D.G. ELECTRIC COMPANY	§	

**DEFENDANT HYPOWER, INC.'S JOINDER IN  
P.D.G. ELECTRIC COMPANY'S MOTION TO COMPEL DEPOSITIONS AND  
REQUEST TO EXTEND DISPOSITIVE MOTION DEADLINE**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant, Hypower, Inc., a Defendant herein, files the above styled pleading and would respectfully show:

1. On October 6, 2005, P.D.G. Electric Company filed a Motion to Compel (the "Motion"), seeking to compel the depositions of Jimmy Taylor, Julia Taylor, and Tom Neild in the above-referenced matter.

2. In its Motion, P.D.G. asserts that it is in need of the depositions of Jimmy Taylor, Julia Taylor and Tom Neild in order to file its Motion for Summary Judgment.

3. Hypower, Inc. has likewise been waiting on the foregoing depositions in order to file its Motion for Summary Judgment.

4. There is a dispositive motion deadline of October 17, 2005 which has necessarily been effected as a result of Plaintiff's failure to produce the requested persons for depositions.

5. Hypower, Inc. would likewise request that the depositions of Jimmy Taylor, Julia Taylor and Tom Neild be compelled. Hypower, Inc. would further request that the Court extend

the dispositive motion deadline by a period of three (3) weeks to allow for the depositions to be taken and thereafter transcribed and utilized by the Defendants in connection with their respective motions for summary judgment.

6. Hypower, Inc. would further request that the court *not* compel the depositions during the week of October 9, 2005 as counsel for Hypower has a planned vacation during that week and will be out of state.

WHEREFORE, PREMISES CONSIDERED, HYPOWER, INC. joins in the Motion to Compel, prays that it be granted, and further prays that the dispositive motion deadline be extended for a period of at least three (3) weeks and for such other and further relief to which it may be justly entitled to receive.

Respectfully submitted,

/s/ Nancy Hesse Hamren

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ATTORNEYS FOR DEFENDANT  
HYPOWER, INC.

OF COUNSEL:

COATS, ROSE, YALE,  
RYMAN & LEE, P.C.

### **CERTIFICATE OF CONFERENCE**

I hereby certify that I have conferred with opposing counsel who advised that they are not opposed to extending the dispositive motion deadline for three weeks.

/s/ Nancy Hesse Hamren

Nancy Hesse Hamren

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document(s) will be served on the 7<sup>th</sup> day of October, 2005 via electronic means by the clerk, when available, otherwise by regular, first class mail, to the following:

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/s/ Nancy Hesse Hamren

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